



Auto Safety Group • Congress Watch • Energy Program • Global Trade Watch • Health Research Group • Litigation Group  
 Joan Claybrook, President

## Detailed Comparison of the Lobbying Laws and Ethics Rules Approved by the 110<sup>th</sup> Congress

The House approved a separate House ethics rules package (H.Res. 6, subsequently amended) on January 5<sup>th</sup>, 2007, the first day of the 110<sup>th</sup> Congress. The Senate combined similar ethics rules changes for the Senate with the full lobbying and ethics reform legislative package approved by both chambers of Congress. The “Honest Leadership and Open Government Act of 2007” (S. 1) was adopted by a vote of 411-to-8 in the House on July 31, 2007, approved by the Senate days later by a vote of 83-to-14 on August 2, and signed into law by the President on September 14, 2007. In addition to amending congressional rules, the lobbying and ethics reform package provided statutory amendments to the Lobbying Disclosure Act, the Federal Election Campaign Act, the Ethics Reform Act, the Indian Self-Determination and Education Assistance Act, the Foreign Agents Registration Act and revised congressional pension provisions in the Civil Service Retirement System. Most of the new lobbying laws and ethics rules are similar for both chambers of Congress, but there are some notable variations.

Type of Lobbying and Ethics Regulation	The Law and Rules as Applies to the House	The Law and Rules as Applies to the Senate
<b>GIFT RULES</b>	<p><b>HOUSE RULE XXV, SENATE RULE XXXV</b></p> <ul style="list-style-type: none"> <li>• <b>Congressional ethics rules limit gifts to Members of Congress and their staff from non-lobbying entities as follows:</b> <ul style="list-style-type: none"> <li>(i) <b>Gifts are capped at less than \$50 per item and less than \$100 per year from any individual to a Member of the Congress and staff.</b></li> <li>(ii) <b>There are no special reporting requirements for gifts that are not travel related.</b></li> </ul> </li> <li>• <b>Gifts from lobbying entities are essentially banned, with numerous exceptions.</b></li> </ul>	
<b>Prohibit lobbyists from giving gifts to Members and staff</b>	<ul style="list-style-type: none"> <li>• <b>A Member or employee of the House or Senate may not accept a gift of any value from a registered lobbyist, a private entity that retains or employs a registered lobbyist (“lobbying organization”) or an agent of a foreign principal, subject to certain exceptions described below. Furthermore, in situations where an employee of a lobbying firm acts on behalf of the firm, the gift ban covers such employees, even if the employee is not a registered lobbyist.</b></li> </ul>	

<p><b>Prohibit lobbyists from giving gifts to Members and staff, cont...</b></p>	<ul style="list-style-type: none"> <li>• An entity maintained or controlled by a Member or employee of the House or Senate, such as a leadership PAC, may not accept a gift of any value from a lobbyist, lobbying organization or a foreign agent.</li> <li>• Several significant exceptions to the lobbyist gift ban are described below.</li> </ul>	
<p><b>Prohibit lobbyists from hosting parties for lawmakers at the national conventions</b></p>	<p>In the House, Representatives may not attend a party at the national nominating convention hosted by lobbyists or lobbying organizations to honor a Member of Congress (other than a presidential or vice presidential nominee). Such parties, however, are acceptable if they honor <b>two or more Members</b> as a caucus or group.<sup>1</sup></p>	<p>In the Senate, Senators <b>my not</b> attend a party at the national nominating convention hosted by lobbyists or lobbying organizations that honors one or any number of Members of Congress (other than a presidential or vice presidential nominee).</p>
<p><b>Prohibit lobbyists from funneling gifts through charity events</b></p>	<p>In the House,</p> <ul style="list-style-type: none"> <li>• Representatives and staff <b>may</b> accept gifts of free attendance at a charity event from lobbyists and lobbying organizations if the gifts are funneled through charity sponsors.<sup>2</sup></li> <li>• Representatives and staff may accept free attendance at a charity event, even if it is sponsored by a lobbyist or lobbying organization.<sup>3</sup></li> </ul>	<p>In the Senate,</p> <ul style="list-style-type: none"> <li>• Senators and staff <b>may not</b> accept gifts of free attendance at a charity event paid for by lobbyists or lobbying organizations and funneled through charity sponsors.<sup>4</sup></li> <li>• Senators and staff may accept free attendance at a charity event, so long as it is <b>not</b> sponsored by a lobbyist or lobbying organization.</li> </ul>
<p><b>Free attendance at in-state events; lobbyists prohibited</b></p>	<p>No specific exemption from the gift rule for in-state events for Representatives, though such exceptions as “widely attended events” may apply.</p>	<p>Senators and staff may accept free attendance at certain in-state conferences, symposiums, panel discussions, forums, dinner events, site visits, viewings, receptions, and other similar events. To qualify, the event cannot serve a meal that costs more than \$49.99. It must be sponsored primarily by constituents, attended by at least five constituents, not attended by registered lobbyists, and must otherwise comply with widely-attended events.<sup>5</sup></p>
<p><b>Tickets to sporting events</b></p>	<p>Tickets to sporting and entertainment events offered as gifts to Members and staff of both the House and the Senate must be valued at face value or in the absence of a face value, at the value of a ticket with the highest face value for the event.<sup>6</sup> Such gifts may not be accepted from lobbyists, lobbying organization or foreign agents. Gifts of tickets are subject to the less than \$50 per gift limit for all other persons.</p>	

<b>Gifts to legal defense funds</b>	In the House, Representatives and staff may not accept contributions to their legal defense funds from lobbyists and foreign nationals. All others may contribute up to \$5,000 per year. <sup>7</sup>	In the Senate, Senators and staff may not accept contributions to their legal defense funds from lobbyists, foreign nationals, corporations, unions and campaign committees. All others may contribute up to \$10,000 per year. <sup>8</sup>
<b>Exceptions to the gift rules</b>	<p>A Member or employee of the Congress may accept gifts outside the gift ban or that exceed the gift limit if they are subject to one of <b>24 exceptions</b>, 23 of which are shared by both the House and the Senate. These are fairly common sense exceptions, allowing lobbyists and others to offer gifts of campaign contributions, gifts from family and genuine personal friends, gifts from colleagues in Congress, gifts of informational materials, honorary degrees, and so forth.</p> <p>Of these exceptions to the gift rules, the two most important – especially regarding the ban on gifts from lobbyists – are:</p> <p><b>1. Free attendance at a widely attended event that is officially related to Congressional duties.</b><sup>9</sup> An event may qualify for the widely attended exception if it serves primarily a business or educational function and it is open to members from a given industry or profession, or to a range of persons interested in the issue at hand. An event is considered widely attended when at least 25 persons from outside Congress are expected to attend. Free attendance does not include entertainment collateral to the event, such as tickets to a sporting or some other purely recreational event. Members and staff may accept full dinners as part of the free attendance at a widely attended event, if the food and drink are taken in a group setting with substantially all of the other attendees.</p> <p><b>2. Food or refreshments of a nominal value offered other than as part of a meal,</b> known as the “toothpick rule.”<sup>10</sup> Under this exception to the gift ban, the ethics committees distinguish the provision of “food” from the sharing of a “meal.” A reception or social event where the attendees consume appetizers and drinks, or a continental style breakfast where coffee and donuts are served, is not considered a meal and therefore is covered by this exemption.</p>	

<p><b>“OFFICIALLY-CONNECTED” TRAVEL RESTRICTIONS</b></p>	<p><b>HOUSE RULE XXV, SENATE RULE XXXV</b></p> <ul style="list-style-type: none"> <li>• <b>Travel by Members of Congress is generally considered “official” travel when paid for by the government, and “officially-connected” travel when paid for by private sponsors. The new travel rules address privately-sponsored travel.</b></li> <li>• <b>The travel rules are distinguished from the gift rules largely by geographical radius around the Capitol or a Member’s home district. Within a 35-mile radius of the Capitol or home district, the gift rules dominate. Outside that 35-mile radius, many of the gift rules, such as limits on expenditures for meals and hospitality, are superseded by the travel rules.</b></li> </ul>	
<p><b>Restrict privately sponsored trips</b></p>	<p>Organizations that employ lobbyists are prohibited from sponsoring trips for Representatives or staff, except for:</p> <ul style="list-style-type: none"> <li>• One day trips, exclusive of travel time; or two days trips if travel distance so requires.</li> <li>• Institutions of higher education are exempt from this restriction. Lobbyists and foreign principals <b>may</b> plan such trips (but not finance them).</li> </ul> <p>Organizations that do not employ lobbyists, and all colleges and universities, may sponsor trips up to four days duration for domestic trips and seven days for international trips.<sup>11</sup></p>	<p>Organizations that employ lobbyists are prohibited from sponsoring trips for Senators or staff, except for:</p> <ul style="list-style-type: none"> <li>• One day trips, exclusive of travel time; or two days trips if travel distance so requires.</li> <li>• Charitable 501(c)(3) organizations, even if the charity is registered under LDA, is exempt from this restriction. Lobbyists and foreign principals may <b>not</b> plan or pay for such trips.</li> </ul> <p>Organizations that do not employ lobbyists, and all 501(c)(3) charities, may sponsor trips up to three days duration for domestic trips and seven days for international trips.<sup>12</sup></p>
<p><b>Prohibit lobbyists from participating in trips</b></p>	<p>Lobbyists, lobbying firms and foreign principals are prohibited from arranging or financing trips (other than de minimis involvement in one-day trips) for Representatives or staff.<sup>13</sup> Lobbyists may plan and arrange for trips sponsored by institutions of higher education.</p> <p>Registered lobbyists may not accompany a Representative or staff on any segment of the trip to or from the event, unless it is sponsored by an institution of higher learning.<sup>14</sup></p>	<p>Lobbyists, lobbying firms and foreign principals are prohibited from arranging or financing trips (other than de minimis involvement in one-day trips) for Senators or staff.<sup>15</sup></p> <p>Registered lobbyists may not accompany a Senator or staff on any segment of the trip to or from the event.<sup>16</sup></p>

<p><b>Restrict use of corporate jets to transport Members on trips</b></p>	<p>Representatives may not use personal, official or campaign funds to pay for flights on private aircraft, unless the aircraft is owned by the Member or family member; or the flight is for personal use only and the aircraft is owned by a personal friend.<sup>17</sup></p> <p>House candidates may use campaign funds or leadership PAC funds to pay the full cost of a charter flight on an aircraft operated by a commercial air carrier or the government (unless the aircraft is owned by the candidate or family member), divided by the pro rata cost of the number of candidates on the flight.<sup>18</sup></p>	<p>Senators must pay the full charter rate for trips on private jets, unless the aircraft is owned by the Member or family member, divided by the pro rata cost of the number of congressional officers onboard.<sup>19</sup></p> <p>Candidates for federal office may use campaign funds or funds provided by any political committee to pay the full cost of a charter flight on an aircraft operated by a commercial air carrier (unless the aircraft is owned by the candidate or family member), divided by the pro rata cost of the number of candidates on the flight.<sup>20</sup></p>
<p><b>Limits on reasonable expenses</b></p>	<p>Transportation expenses must be limited to business-class fares, unless exceptional circumstances warrant higher fares, subject to approval by the ethics committee.</p> <p>Event expenses, such as lodging and meals, must be commensurate with what is provided to non-congressional attendees.<sup>21</sup></p>	<p>Transportation expenses must be limited to business-class fares, unless exceptional circumstances warrant higher fares, subject to approval by the ethics committee.</p> <p>Event expenses, such as lodging and meals, must be commensurate with what is provided to non-congressional attendees. Reasonable expenses do not include alcoholic beverages.<sup>22</sup></p>
<p><b>Require pre-approval of trips</b></p>	<p>Members and staff must receive pre-approval for all privately sponsored trips from the ethics committee. They must submit a request for pre-approval along with written certification from the private sponsor that the trip is in compliance with all the conditions and restrictions for privately sponsored travel. Requests must be submitted within <b>14 days</b> of the planned trip, unless the travel is a last minute request from a media outlet. Trips not approved in this time period must be paid for by another appropriate source, such as the Member's office account. These advance certifications and authorizations are to be posted on the Internet.<sup>23</sup></p>	<p>Members and staff must receive pre-approval for all privately sponsored trips from the ethics committee. They must submit a request for pre-approval along with written certification from the private sponsor that the trip is in compliance with all the conditions and restrictions for privately sponsored travel. Requests should be submitted within <b>30 days</b> of the planned trip. These advance certifications and authorizations are to be posted on the Internet.<sup>24</sup></p>

<b>Disclosure of trips</b>	Pre-certifications and approval of trips are to be posted on the Internet as soon as possible. Within <b>15 days</b> of returning, Representatives and staff must file a post-travel disclosure form, which includes a good faith estimate of expenses as well as the sponsor, nature of the trip and a description of meetings and events attended. Post-travel disclosure forms will also be posted on the Internet. <sup>25</sup>	Pre-certifications and approval of trips are to be posted on the Internet as soon as possible. Within <b>30 days</b> of returning, Senators and staff must file a post-travel disclosure form, which includes a good faith estimate of expenses as well as the sponsor, nature of the trip and a description of meetings and events attended. Post-travel disclosure forms will also be posted on the Internet. <sup>26</sup>
<b>REVOLVING DOOR RESTRICTIONS</b>	<b>18 USC 207 (ETHICS REFORM ACT)</b> <ul style="list-style-type: none"> <li>• <b>The Ethics Reform Act of 1989 prohibits Members of Congress, very senior congressional staff and senior executive branch officials from making “lobbying contacts” with their former colleagues for a brief “cooling off” period after leaving service.</b></li> <li>• <b>Planning and supervising lobbying drives and conducting other “lobbying activity” is permissible under the law immediately after leaving public service.</b></li> <li>• <b>Revolving door policy also involves restrictions on public officials negotiating private employment while in public office.</b></li> </ul>	
<b>Length of the “cooling off” period on lobbying</b>	In the House, the “cooling off” period is one year for Representatives and very senior staff making 75% or more of a Member’s salary. It remains unchanged from the original act of 1989. <sup>27</sup>	In the Senate, the “cooling off” period has been extended to two years for Senators and very senior executive branch officials (e.g. cabinet officers). The cooling off period remains one year for very senior Senate staff making 75% or more of a Member’s salary. <sup>28</sup>
<b>Prohibit during the “cooling off” period any paid lobbying activity, such as planning and supervising lobbying drives</b>	Lobbying activity is <b>not</b> prohibited during the cooling off period. Former public officials may immediately take employment as heads of lobbying firms and lobbying organizations, conduct any other lobbying activity, and even register as lobbyists, as long as they avoid making direct “lobbying contacts” with their former colleagues. <sup>29</sup>	

<p><b>Persons who may not be contacted during the cooling off period</b></p>	<p>In the House,</p> <ul style="list-style-type: none"> <li>• Former Representatives shall not make lobbying contacts for one year with Members or employees of either chamber of Congress.</li> <li>• Former officers of the House shall not make lobbying contacts for one year with any Member or employee of the House of Representatives.</li> <li>• Former senior House staff shall not make lobbying contacts for one year with the Member's office or committee for whom they served.<sup>30</sup></li> </ul>	<p>In the Senate,</p> <ul style="list-style-type: none"> <li>• Former Senators shall not make lobbying contacts for two years with any Member or employee of either chamber of Congress.</li> <li>• Former officers of the Senate shall not make lobbying contacts for one year with any Member or employee of the Senate.</li> <li>• Former senior Senate staff shall not make lobbying contacts for one year with any Member or employee of the Senate.</li> <li>• Former very senior executive branch officials shall not make lobbying contacts for two years with the executive agency for whom they served or with executive branch officials appointed by the President.<sup>31</sup></li> </ul>
<p><b>Notification of "cooling off" period</b></p>	<p>Members of Congress and congressional staff subject to the "cooling off" period shall be notified of the start and end dates of the prohibition against lobbying contacts, and such notice shall be posted on the Internet by the Clerk of the House and Secretary of the Senate.<sup>32</sup></p>	
<p><b>Restrictions on negotiations for future employment</b></p>	<ul style="list-style-type: none"> <li>• Prior to the election of a successor, Representatives shall not negotiate future employment with a private entity unless notice is given to the ethics committee within 3 days of commencement of negotiations.<sup>33</sup></li> <li>• Representatives must recuse themselves from official matters in which a conflict of interest or appearance of a conflict exists with a potential employer, the basis of such recusal shall be publicly disclosed at that time by the House Clerk.</li> <li>• Senior staff must notify the ethics committee within 3 days of any negotiations of future employment and recuse themselves from any potential conflict of interest.<sup>34</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Prior to the election of a successor, Senators shall not negotiate future employment with a private entity unless notice is given to the Senate Secretary within 3 days of commencement of negotiations, which is disclosed to the public at that time.<sup>35</sup></li> <li>• Senators may not negotiate employment in a job that involves "lobbying activity" until after a successor is elected.</li> <li>• Senior staff must notify the ethics committee within three days of beginning negotiations for future employment, and to recuse themselves from any official action in which a conflict of interest or appearance of a conflict exists with a potential employer.<sup>36</sup></li> </ul>

<b>Prohibit special privileges for Members who become lobbyists</b>	Representatives-turned-lobbyists are denied special access to the House floor and congressional exercise facilities while registered as a lobbyist. <sup>37</sup>	Senators-turned-lobbyists are denied special access to the Senate floor, gym and parking lot while registered as a lobbyist. <sup>38</sup>
<b>Prohibit lobbying contacts with Members' family who are registered lobbyists</b>	The spouse of a Representative may not make a lobbying contact with anyone on the Member's staff, if the spouse is a registered lobbyist. <sup>39</sup>	Immediate family members of a Senator may not make a lobbying contact with any office of the U.S. Senate, if they are registered lobbyists. Senate spouses who were serving as registered lobbyists at least a year before the most recent election of the Senator to office, or a year before marriage to the Senator, are exempt. <sup>40</sup>
<b>End the "K Street Project"</b>	Members and staff may not influence employment decisions of private organizations, particularly lobbying firms, "solely on the basis of partisan affiliation." Members and staff may not link access to congressional officials based on the party affiliation of employees hired by a lobbying organization. Violations are subject to a fine and imprisonment for up to 15 years. <sup>41</sup>	
<b>Ban on lobbying by committee consultants</b>	Consultants and their firms providing contractual services to a House committee are banned from lobbying that committee. <sup>42</sup>	
<b>Representation of tribal organizations</b>	Current and former federal officers and employees may represent tribal organizations in connection with their tribal affairs before a governmental agency or judicial body at any time, provided they give written notice of their involvement in the matter to the agency or court. <sup>43</sup>	
<b>"Lookback" for past governmental employment by lobbyists</b>	Lobbying disclosure registrants must disclose any previous executive branch or congressional employment within the last 20 years on their LDA reports. Previously, registrants were only required to report governmental employment within the last two years. <sup>44</sup>	

<p><b>DISCLOSURE OF LOBBYING ACTIVITIES AND CAMPAIGN FUNDRAISING</b></p>	<p><b>2 USC 1601 et seq. (LDA), 2 USC 431 et seq. (FECA) and 22 USC 612 et seq. (FARA)</b></p> <p><b>The Lobbying Disclosure Act of 1995 (LDA):</b></p> <ul style="list-style-type: none"> <li>• Provides clear definitions of who is a lobbyist and what is reportable lobbying activity;</li> <li>• Creates empirical thresholds triggering the registration and reporting requirements; and</li> <li>• Establishes the Clerk of the House and the Secretary of the Senate as the offices responsible for implementing the lobbying disclosure laws.</li> </ul> <p><b>The Federal Election Campaign Act of 1971 (FECA):</b></p> <ul style="list-style-type: none"> <li>• Requires the registration of federal candidates, parties and political committees that meet certain thresholds;</li> <li>• Mandates candidates, parties and political committees to report their contributions and expenditures and to disclose this financial activity to the public on the Internet; and</li> <li>• Establishes the Federal Election Commission (FEC) as the agency responsible for implementing the campaign finance laws.</li> </ul>
<p><b>Frequency of Reporting</b></p>	<ul style="list-style-type: none"> <li>• Registrants must file their LDA reports on a quarterly basis, rather than semi-annually.<sup>45</sup></li> <li>• Additional LDA reports on direct campaign contributions, as well as contributions and expenditures to leadership PACs, presidential libraries, events to honor congressional or executive branch officials, and meetings or conferences with covered officials, must be filed semi-annually with the Clerk of the House and the Secretary of the Senate. After two years and upon determination of the House Clerk and the Senate Secretary, these reports may be required to be filed on a quarterly basis.</li> <li>• FEC reports on bundled contributions from lobbyists shall be filed by candidates, leadership PACs and political parties on a quarterly basis.<sup>46</sup></li> </ul>
<p><b>Mandatory electronic filing and disclosure of lobbying reports</b></p>	<ul style="list-style-type: none"> <li>• LDA reports must be filed electronically, and made available to the public on a Web page maintained by the Clerk of the House and Secretary of the Senate in a searchable, sortable and downloadable format.<sup>47</sup></li> <li>• Lobbying reports on behalf of foreign governments or parties under the Foreign Agents Registration Act (FARA) must be made available on the Internet by the Department of Justice in a searchable, sortable and downloadable format.<sup>48</sup></li> </ul>
<p><b>Disclosure of campaign finance activity</b></p>	<ul style="list-style-type: none"> <li>• On LDA reports, lobbyists must report on a semi-annual basis direct campaign contributions, as well as contributions and expenditures to political committees, leadership PACs, presidential libraries, events to honor congressional or executive branch officials, and conferences with covered officials.<sup>49</sup></li> <li>• On FEC reports, candidates, leadership PACs and political parties must report the name, address and employer of each lobbyist who bundled contributions from two or more sources directly or through fundraisers amounting to more than \$15,000 in a semi-annual period.<sup>50</sup></li> </ul>

<p><b>Disclosure of stealth lobbying coalitions</b></p>	<p>Lobbying coalitions must disclose on their LDA reports organizations and corporations that contribute more than \$5,000 toward the coalition’s lobbying effort per quarter and actively participate in the planning, supervision or control of lobbying activities.<sup>51</sup> Such disclosure is not required if the coalition posts the names of the organizations and corporations who meet this disclosure threshold on its Web site.</p>	
<p><b>Disclosure of government</b></p>	<p>Lobbyists must disclose on their LDA reports whether a client is a state or local governmental entity.<sup>52</sup></p>	
<p><b>CONGRESSIONAL PROCEDURES</b></p>	<p><b>RULES OF CONGRESS</b></p> <ul style="list-style-type: none"> <li>• <b>Procedures of Congress are separately governed by the rules of the House and Senate.</b></li> <li>• <b>Only the House is required to approve new rules at the beginning of each session.</b></li> <li>• <b>The House and the Senate may reconsider their respective rules of procedure at any time.</b></li> </ul>	
<p><b>Earmark Reforms</b></p>	<ul style="list-style-type: none"> <li>• No bill, joint resolution or conference report shall be considered on the House floor unless it is accompanied with a list identifying all its congressional earmarks, the intended recipient or beneficiary of each earmark, and the Representative sponsoring each earmark.<sup>53</sup></li> <li>• The list of earmarks and their sponsors must be printed in the Congressional Record prior to a floor vote.</li> <li>• Letters from Representatives explaining the nature of each earmark are available to the public in paper format from the Clerk of the House.</li> <li>• Any Representative may raise a point of order to end consideration of a bill, joint resolution or conference report that fails to disclose its earmarks.</li> <li>• The earmark disclosure rule may not be waived.</li> <li>• Earmarks may not be conditioned upon any vote cast by another Representative.<sup>54</sup></li> <li>• Sponsors of an earmark must certify that they and their spouses have no personal financial interest in an earmark.<sup>55</sup></li> </ul>	<ul style="list-style-type: none"> <li>• No bill, joint resolution or conference report shall be considered on the Senate floor unless it is accompanied with a list identifying all its congressional earmarks, the intended recipient or beneficiary of each earmark, and the Senator sponsoring each earmark.<sup>56</sup></li> <li>• The list of earmarks and their sponsors must be available to the public on the Internet at least 48 hours prior to a floor vote.</li> <li>• The chairman of the committee or Senate Majority Leader certifies that all earmarks have been properly identified.</li> <li>• Any floor amendment that contains an earmark must be identified with the sponsor and printed in the Congressional Record.</li> <li>• The sponsor of an earmark must certify that neither the Senator nor the Senator’s immediate family has a pecuniary interest in the earmark.</li> <li>• Any Senator may raise a point of order to strike a specific earmark or earmarks “air dropped” into a conference report that are not properly identified.</li> <li>• These restrictions may be waived by a vote of three-fifths of the Members of the Senate.<sup>57</sup></li> </ul>

<b>Holds on legislation</b>		Any Senator may place a hold on legislation, but the identity of the Senator must be disclosed within 6 days. <sup>58</sup>
<b>Disclosure of legislation prior to a vote</b>	<ul style="list-style-type: none"> <li>• Conference bills must be in print and published in the Congressional Record at least 3 days prior to a final floor vote, except in the last 6 days of a session.<sup>59</sup></li> <li>• Copies of final conference bills must be distributed to all Representatives at least two hours before a final vote.<sup>60</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Conference bills must be in print and disclosed on the Internet at least 48 hours before a final floor vote.<sup>61</sup></li> <li>• Conferees shall not insert new material in conference reports that was not agreed to by one chamber, nor shall they strike material that was agreed to by both chambers.</li> <li>• These requirements may be waived by a three-fifths vote of the Senate.<sup>62</sup></li> </ul>
<b>Pay-as-You-Go</b>	New spending that would increase the budget deficit within a five-year or 10-year timeframe must be offset by cost savings or revenues, unless waived by a majority vote. <sup>63</sup>	
<b>Open meetings</b>	<p>In the House,</p> <ul style="list-style-type: none"> <li>• Managers of conference committees shall make every effort to ensure that all Members of the committee are given notice of the meeting and have a reasonable opportunity to attend.<sup>64</sup></li> <li>• House conferees must sign the final report at one time and in one place.<sup>65</sup></li> </ul>	<p>In the Senate,</p> <ul style="list-style-type: none"> <li>• All conferees shall be given adequate notice of meetings and are allowed to participate in full on the matters before the committee.<sup>66</sup></li> <li>• All Senate committees and subcommittees shall make available through the Internet a video or audio recording or transcript of all public meetings within 21 days of the meeting.<sup>67</sup></li> </ul>
<b>Ethics training</b>	<p>In the House,</p> <ul style="list-style-type: none"> <li>• The House ethics committee offers regular ethics training seminars to Members and staff.</li> <li>• All employees are required to receive at least one hour of ethics training annually. Officers and senior employees must receive at least two hours of ethics training annually.</li> <li>• Ethics training for Representatives is optional.<sup>68</sup></li> </ul>	<p>In the Senate,</p> <ul style="list-style-type: none"> <li>• The Senate ethics committee provides regular ethics training seminars to all Senators and staff.</li> <li>• All Senators and staff must receive ethics training.<sup>69</sup></li> </ul>

<b>ENFORCEMENT</b>	<p><b>2 USC 1606, 5 USC App. 104, 5 USC 8332, and CONGRESSIONAL RULES</b></p> <ul style="list-style-type: none"> <li>• <b>Monitoring reporting violations of lobbyists is the responsibility of the Secretary of the Senate and the Clerk of the House in Congress, and the Office of Government Ethics (OGE) for the executive branch, each of which may refer violations to the Department of Justice (DOJ) for legal sanctions.</b></li> <li>• <b>Monitoring compliance to the travel or gift rules is the responsibility of the ethics committees in Congress, which may assess a variety of penalties on Members and staff depending on the violations, and the OGE and DOJ for the executive branch.</b></li> </ul>	
<b>Penalties for violations of the lobbying disclosure requirements</b>	Lobbyists and lobbying firms may be fined up to \$200,000 for civil violations (up from \$50,000), and for criminal violations may be imprisoned for up to 5 years for “knowingly and corruptly” violating the law. <sup>70</sup>	
<b>Penalties for violations of the ethics rules</b>	<ul style="list-style-type: none"> <li>• House and Senate ethics committees may assess a variety of penalties on their respective Members for violations of the ethics rules.</li> <li>• Any Member or staff who knowingly and willfully files false personal financial disclosure reports may be subject to fines up to \$50,000 (up from \$10,000) and imprisoned for up to 1 year.<sup>71</sup></li> <li>• Lobbyists may be held liable for violations of the gift and travel rules.</li> </ul>	
<b>Loss of congressional pensions</b>	A Member convicted of bribery, fraud, acting as an agent of a foreign principal, prohibited foreign trade practices, financial gain from unlawful property, tampering with witnesses, or perjury, shall not be eligible for a congressional pension. <sup>72</sup>	
<b>Establish an independent ethics entity to monitor compliance</b>	An Office of Congressional Ethics is created to supplement the investigation of possible violations of ethics rules by the House ethics committee. OCE consists of six non-Members, three appointed each by the Speaker and the Minority Leader. OCE may initiate investigations, but lacks any subpoena power. OCE may dismiss investigations but not determine whether a violation in fact occurred, and may refer its research to the ethics committee for further actions. <sup>73</sup>	
<b>Mandatory investigations</b>	The House ethics committee must open an investigation of any Member formally charged with a crime within 30 days. <sup>74</sup>	

<b>Disclosure of enforcement actions</b>	<ul style="list-style-type: none"> <li>• Senate ethics committee must issue annual reports tallying the number of ethics investigations, violations and penalties.<sup>75</sup></li> <li>• Secretary of the Senate and Clerk of the House must issue semi-annual reports on the number of referrals made for noncompliance.</li> <li>• Attorney General reports on a semi-annual basis the number of referrals and enforcement actions taken by the Department of Justice for violations of LDA.<sup>76</sup></li> <li>• Comptroller General shall audit lobbyists, lobbying firms and registrants on a random basis for compliance to LDA and issue annual reports to Congress.<sup>77</sup></li> </ul>
--	--

*Source:* Craig Holman and Nicole Lazaris  
Last Updated: September 25, 2008

## ENDNOTES

<sup>1</sup> House Committee on Standards of Official Conduct, Memorandum, “Member Participation in Certain Events Taking Place at the National Conventions” (Dec. 11, 2007).

<sup>2</sup> House Committee on Standards of Official Conduct, Memorandum, “Member Participation in Certain Events Taking Place at the National Conventions” (Dec. 11, 2007).

<sup>3</sup> House Committee on Standards of Official Conduct, Memorandum, “Amendment to Rule XXV (Gift Rule)” (June 14, 2007)..

<sup>4</sup> Senate Select Committee on Ethics, guidance pending.

<sup>5</sup> Senate Select Committee on Ethics, “New Ethics Rules – Gifts and Events” (Sept. 25, 2007); Senate Rule XXV (1)(g)(1)(A-B)(i-ii)

<sup>6</sup> Senate Rule XXXV (1)(c)(B).; House Rule XXV (5)(a)(1)(B)(ii).

<sup>7</sup> House Committee on Standards of Official Conduct, Memorandum to All Members, Officers, and Employees, “Legal Expense Fund Regulations,” House Rule 26 (June 10, 1996). The House Rule on Legal Expense Funds has since been renumbered to Rule XXV (5)(c)(3).

<sup>8</sup> U.S. Senate Select Committee on Ethics, “Regulations of Trust Funds to Defray legal Expenses Incurred by Members, Officers, and Employers of the United States Senate, Senate Ethics Manual (Aug. 10, 1988).

<sup>9</sup> “Gift Highlights,” Rules of the U.S. House of Representatives on Gifts and Travel:106<sup>th</sup> Congress, 2<sup>nd</sup> Session, April 2000: 4.; Senate Rule XXXV (1)(c)(18); House Rule XXV (5)(A)(3)(Q).

<sup>10</sup> Senate Rule XXXV (1)(c)(22); House Rule XXV (5)(A)(3)(U).

<sup>11</sup> House Rule XXV (5)(b)(4)(A-D); (5)(d)(1-2).

<sup>12</sup> Senate Rule XXXV (2)(e)(1-2); (2)(f)(1).

<sup>13</sup> House Rule XXV (5)(b)(1)(A).

<sup>14</sup> House Rule XXV (5)(c)(1)(A-B).

<sup>15</sup> Senate Rule XXXV (2)(a)(1).

<sup>16</sup> Senate Rule XXXV (2)(d)(1-2).

<sup>17</sup> House Rule XXIII (15).

<sup>18</sup> 2 USC 439a(c).

<sup>19</sup> Senate Rule XXXV (1)(c)(i-iii).

<sup>20</sup> 2 USC 439a(c).

- <sup>21</sup> Committee on Standards of Official Conduct, “Memorandum: New Travel Rules for Officially-Connected Travel Paid for by a Private Source” (March 14, 2007).
- <sup>22</sup> Senate Select Committee on Ethics, Regulations and Guidelines for Privately-Sponsored Travel” (n.d.).
- <sup>23</sup> Committee on Standards of Official Conduct, “Memorandum: Changes to the Pre-Approval Process for Officially-Connected Travel Paid for by Private Sources” (Sept. 23, 2008); Senate Rules XXXV.
- <sup>24</sup> New Rules for Lobbyists and Lawmakers: A BNA Guide to the new “Honest and Leadership and Open Government Act” and other rules changes by the 110<sup>th</sup> Congress Edison, NJ 2007; Senate Rules XXXV.
- <sup>25</sup> House Rule XXV (5)(b)(1A-3); S. 1 Section 304.
- <sup>26</sup> Senate Rule XXXV (2)(c)(1-7).
- <sup>27</sup> 18 USC 207(d)(1).
- <sup>28</sup> 18 USC 207(d)(1)..
- <sup>29</sup> 18 USC 207(d)(1).
- <sup>30</sup> 18 USC 207(d)(1).
- <sup>31</sup> 18 USC 207(d)(1).
- <sup>32</sup> New Rules for Lobbyists and Lawmakers: A BNA Guide to the new “Honest and Leadership and Open Government Act” and other rules changes by the 110<sup>th</sup> Congress, Edison, NJ 2007; 18 USC 207(e).
- <sup>33</sup> House Rule XXVII.
- <sup>34</sup> New Rules for Lobbyists and Lawmakers: A BNA Guide to the new “Honest and Leadership and Open Government Act” and other rules changes by the 110<sup>th</sup> Congress, Edison, NJ 2007; House Rule XXVII.
- <sup>35</sup> Senate Rule XXXVII.
- <sup>36</sup> New Rules for Lobbyists and Lawmakers: A BNA Guide to the new “Honest and Leadership and Open Government Act” and other rules changes by the 110<sup>th</sup> Congress, Edison, NJ 2007; House Rule XXVII, Senate Rule XXXVII(8).
- <sup>37</sup> H. RES. 6, Sect. 511.
- <sup>38</sup> Senate Rule XXIII.
- <sup>39</sup> House Rule XXV (7).
- <sup>40</sup> Senate Rule XXXVII (11).
- <sup>41</sup> H. RES. 6, Sect. 202; House Rule XXIII; 18 USC 227.
- <sup>42</sup> House Rule XXIII (18).
- <sup>43</sup> 18 USC 207 (j)(1).
- <sup>44</sup> 2 USC 1603 (b)(6).
- <sup>45</sup> 2 USC 1604.
- <sup>46</sup> 11 CFR Parts 100 and 104 (pending adoption by the FEC).
- <sup>47</sup> 2 USC 1604.
- <sup>48</sup> 22 USC 612.
- <sup>49</sup> 2 USC 1604.
- <sup>50</sup> 2 USC 434.
- <sup>51</sup> 2 USC 1603 (b)(3).
- <sup>52</sup> 2 USC 1604(b).
- <sup>53</sup> House Rule XXI (9).
- <sup>54</sup> House Rule XXIII.
- <sup>55</sup> Senate Rule XLIV (6)(a-b).

---

56 Senate Rule XLIV.  
57 Senate Rule XLIV.  
58 Senate Rule XXVIII.  
59 House Rule XXII (8).  
60 House Rule XXII (8)(a)(1)(B).  
61 Senate Rule XXVIII (9)(a)(1).  
62 Senate Rule XXVIII (2)(a-c); Senate Rule XXVIII (5)(a-b).  
63 House Rule XXI (10).  
64 House Rule XXII (12).  
65 House Rule XXII (13).  
66 Senate Rule XXVIII.  
67 Senate Rule XXVI.  
68 House Rule XI (3)(a)(6).  
69 Senate Rule XXXVII.  
70 2 USC 1606.  
71 5 USC App. 104(a).  
72 5 USC 8332.  
73 H.Res. 895.  
74 H.Res. 451.  
75 House Rule pending; Senate Rule XXXVII.  
76 2 USC 1605.  
77 2 USC 1603(b)(3); 2 USC 1601 et seq.